

Appln No. 10/731,216

Amdt date August 11, 2004

Reply to Office action of May 11, 2004

REMARKS/ARGUMENTS

Claims 1-24 are pending in this application, of which claims 1, 11, 17, 18 and 23 are independent. Claims 1-2, 4-8, 10-11, 13-14 and 16-18 have been amended. Claims 19-24 have been added. The amendments and new claims add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 2, 5-9, 13-15, 17 and 18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Vasquez (U.S. Patent No. 5,075,070); claims 1-6, 8, 12-14, 17 and 18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Mayhak (U.S. Patent No. 4,970,819); and claims 1, 9-11, 15 and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Chase (U.S. Patent No. 2,298,678).

Since U.S. Patent No. 5,075,070 is to Costes, not Vasquez; and since Costes discloses a Water Cooled Nuclear Reactor rather than a Gun Grip, Applicant will proceed under the assumption that the Examiner intended the above detailed rejection to be based on U.S. Patent No. 5,735,070 to Vasquez.

Applicant respectfully traverses these rejections. Claims 1, 11, 17 and 18 are each directed to a grip for attachment to a firearm wherein "the lower end of the grip comprises an open end that leads into the at least one storage cavity allowing batteries to be sequentially inserted into the battery

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compartments of the at least one storage cavity." Vasquez, Mayhak and Chase, either alone or in any combination thereof, do not disclose, teach or suggest such a feature. As such, for at least this reason, Vasquez, Mayhak and Chase do not anticipate any of claims 1, 11, 17 and 18.

Claim 17 also recites "an internal battery storage chamber having **at least two storage cavities** that each extend in a longitudinal direction from the lower end of the grip to the upper end of the grip to define a plurality of battery compartments adjacently positioned in series in the longitudinal direction for storing a plurality of batteries" (emphasis added.)

In the current Office action, the Examiner rejects claim 17 based separately on Vasquez and Mayhak. However, the Examiner makes no mention of either Vasquez or Mayhak disclosing at least two storage cavities, each comprising a plurality of battery compartments. If the Examiner continues to contend that such cavities are disclosed by Vasquez and Mayhak, Applicant requests that the Examiner provide a citation to such a description in Vasquez and Mayhak and/or provide a reasoning as to why he believes the Figures show such cavities. Applicant respectfully submits that Vasquez and Mayhak do not disclose the claimed at least two storage cavities. As such Applicant respectfully submits that Vasquez and Mayhak do not anticipate claim 17.

Claims 2-10 depend from claim 1; and claims 12-16 depend from claim 11. Claims 1 and 11 are now believed to be in condition for allowance over Vasquez, Mayhak and Chase. As such, Applicant submits that claims 2-10 and 12-16 are also

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allowable over Vasquez, Mayhak and Chase as being dependent from an allowable base claim and for the additional limitations they contain therein.

For example, claims 9 and 15 each recite "fastening means for removably attaching the grip to a firearm." The Examiner contends that "said frame item 104 [of Vasquez] is fastened to said handle item 108. Even if the frame item 104 were removably fastened to the handle item 108 of Vasquez, Vasquez would not anticipate claim 9. The claimed grip is analogous to the handle 108 itself, not to the frame item 104, which is attached to the handle 108. Vasquez does not disclose that its handle 108 is removably attached to its firearm. As such, for this additional reason, Vasquez does not anticipate either of claims 9 and 15.

The Examiner also contends that the handle of Chase is removably attached to its firearm. However, Chase discloses a rigid stock half 1 which is integral with the remainder of the gun and a complementary half 2 which is hingedly attached to the rigid half 1 (col. 1, lines 1-16; and col. 2, lines 32-36.) Nothing in Chase discloses, teaches or suggests that its stock is removably attached to its gun. As such, for this additional reason, Chase does not anticipate either of claims 9 and 15.

Claims 10 and 16 each recite "a hinged pull tab fixedly attached to the lower end of the grip, wherein the hinged pull tab is pivotally moveable for removably covering **the open lower end** of the grip" (emphasis added.) The ends 1e and 2e of the stock halves 1 and 2 of Chase are **solid**. A hinged cover 5 covers these **solid ends** 1e and 2e of the stock halves 1 and 2. As such, Chase does not disclose, teach or suggest a "hinged

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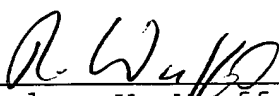
pull tab [that] is pivotally moveable for removably covering **the open lower end** of the gun grip" as specified by claims 10 and 16. As such, for this additional reason, Chase does not anticipate either of claims 10 or 16. Accordingly, Applicant respectfully requests that the rejections of claims 1, 2, 5-9, 13-15, 17 and 18 over Vasquez under 35 U.S.C. § 102(b); claims 1-6, 8, 12-14, 17 and 18 over Mayhak under 35 U.S.C. § 102(b); and claims 1, 9-11, 15 and 16 over Chase under 35 U.S.C. § 102(b) be withdrawn.

New Claims

New claims 19-24 have been added. Applicant respectfully submits that new claims 19-24 are in condition for allowance over Vasquez, Mayhak and Chase.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1-24 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,
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